

UNITED STATES DISTRICT COURT

for the

Western District of Virginia



JUL 08 2021

JULIA C. DUDLEY, CLERK
BY: DEPUTY CLERK

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)

DNA sample from Angel Guevara through oral buccal
 swabs, also known as saliva swabs, more fully described
 in Attachment A, attached hereto

Case No. 2:21-mj-4

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Western District of Virginia, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 United States Code Section 2 and 1113	Attempt to Commit Murder.

The application is based on these facts:

See Attached Affidavit

Continued on the attached sheet.
 Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Special Agent Chad Potter

Printed name and title

Judge's signature

Magistrate Judge Pamela Sargent

Printed name and title

Sworn to before me and signed in my presence.

Date: 7/8/21

City and state: Abingdon, VA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Chad Potter, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), having been duly sworn, depose and state as follows:

INTRODUCTION

1. This affidavit is submitted in support of an application to obtain a search warrant authorizing the collection of full set DNA samples from inmate Angel Guevara Reg. #12552-111 (Guevara), by way of an oral buccal swab collection. Inmate Guevara is currently housed at United States Penitentiary in Lee County, Virginia. Based on my training and experience, I believe that the requested DNA samples will yield evidence that Guevara was involved in an attempted murder in cell 308 in the H unit of United States Penitentiary Lee on January 15, 2020.

2. I have not included every fact known to me concerning this investigation. I have only included those facts that establish probable cause to believe that the collection of DNA from Guevara will provide evidence to support he was involved in a violation of Title 18 United States Code Sections 2 and 1113 (attempt to commit murder).

AGENT BACKGROUND

3. As a Special Agent with the FBI, I am an investigative law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 3052, which specifically authorizes FBI Special Agents, and officials of the FBI, to make arrests, carry firearms, and serve warrants. Title 18, United States Code, Section 3107 empowers FBI Special Agents and officials to make seizures under warrants for violations of federal statutes. I am currently assigned to the Richmond division of the FBI, Bristol Resident Agency and have been

since March 22, 2020. I received my initial training and instruction to become a Special Agent at the FBI Academy located in Quantico, Virginia, where I received training concerning violations of the United States criminal statutes. I have been assigned a variety of criminal cases, including violent crimes, sexual exploitation of children, financial crimes, and online threats.

4. Among other duties, I am currently involved in an investigation related to the assault that occurred at USP Lee in January 2020. This investigation led to the indictment of five co-conspirators, including the subject of this search warrant application. See 2:21CR0001. The below is a summary of the probable cause in this case supporting a search warrant. As a result of my own personal experiences, the training I have received, and the information that I have obtained from working with other experienced law enforcement officers, I know the following:

STATEMENT OF PROBABLE CAUSE

5. On January 15, 2020, several members of the Mara Salvatrucha (MS-13) gang attacked the leader of the Mexican Mafia gang, Anthony Zaragoza (Mexican Mafia Leader “Coco”), in the H-unit cell block at United States Penitentiary Lee in the Western District of Virginia. Special Agents with the FBI reviewed video footage captured by video cameras located in the cell block which showed the above-described assault and showed the events described in paragraphs 6 – 10 below.

6. On January 15, 2020, inmates Moris Flores #12548-111 (MS-13 leader “Playboy”) and Angel Guevara #12552-111 (MS-13 “Pelon”) entered H unit cell 308, which was then occupied by Zaragoza.

7. Immediately after Flores and Guevara entered cell 308, the door was closed and inmates Julio Chavez #15920-055 (MS-13), German Hernandez #46789-308 (MS-13

“Terrible”), and Carlos Almonte #30129-058 (MS-13 “Ravioso”) surrounded the cell door and held the cell door closed.

8. Inmates Victor Flores #46820-112 (Mexican Mafia “Wicked”) and Otto Fisch #06779-748 (Sureno “Stocky”) came down the stairs and approached the cell door in an effort to assist Zaragoza. Inmate Almonte struck inmate Victor Flores in the chest with a homemade weapon.

9. Inmates Almonte, Chavez, and Hernandez fought with inmate Victor Flores and other inmates outside the door to H-unit cell 308 to prevent interference with the ongoing attack on Zaragoza.

10. During the attack, the door to H-unit cell 308 opened and inmates Zaragoza, Moris Flores, and Guevara fell out of cell 308, with inmate Zaragoza visibly injured and bloody. Inmates Moris Flores and Guevara continued to strike Zaragoza with homemade weapons and closed fist strikes outside of cell 308. Zaragoza sustained multiple stab and puncture wounds.

11. In the immediate aftermath of the attack, prison Corrections Officers and investigators secured the scene, catalogued, and collected physical evidence from the attack, including metal shanks, weapons fashioned from metal objects and used by the assailants during the attack. There were traces of what appeared to be human blood on these items.

12. On February 9, 2021, a grand jury in the Western District of Virginia returned a five-count indictment charging inmates Almonte, Chavez, Hernandez, Moris Flores, and Guevara with attempting to murder Zaragoza, in violation of 18 United States Code Sections 2 and 1113, in addition to other charges.

CONCLUSION

13. Based on my investigation, I believe Guevara was involved in the attack on January 15, 2020, and there is probable cause to believe that the collection of DNA (buccal oral swab) samples from Guevara may yield evidence to show inmates Moris Flores, Guevara, Chavez, Almonte, and Hernandez attempted to murder Zaragoza, in violation of 18 United States Code Sections 2 and 1113. Specifically, the DNA sample of Guevara will assist investigators in the process of a pre-extraction separation of mixed source DNA conducted on the various weapons collected from the scene. In other words, forensic scientists will be able to use reliable forensic methods to *compare* extracted DNA samples, recovered from the various weapons, with *known* DNA samples drawn from Guevara.

14. Guevara's DNA will be compared to that of DNA found present on evidence collected in the H-unit cell block area of United States Penitentiary Lee, where the attack on Zaragoza took place, including DNA found on homemade weapons and clothing.

15. For the above reasons, I respectfully request this Court issue a search warrant authorizing the FBI to search Angel Guevara, as outlined in Attachment A, in order to collect a DNA sample from Guevara by obtaining an oral buccal swab sample.

Respectfully submitted,



Chad Potter
Special Agent
Federal Bureau of Investigation

~~telephonically~~
Subscribed and sworn to before me on the 5th day of, July 2021.

Pamela Meade Sayet
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A
PERSON TO BE SEARCHED

Angel Guevara - Federal Bureau of Prison custody.

ATTACHMENT B
THINGS TO BE SEARCHED

A DNA sample from Angel Guevara, in the form of buccal cells on an oral swab. The oral swab will be collected from the inside cheek portion of the mouth to sufficiently collect buccal cells.